

**2001 No. 29**

**AGRICULTURE**

**The Environmentally Sensitive Areas (Shetland Islands)  
Designation Amendment Order 2001**

*Made* 6th February 2001

*Laid before the Scottish Parliament* 6th February 2001

*Coming into force* 8th March 2001

The Scottish Ministers, in exercise of the powers conferred by section 18(1), (4) and (11) of the Agriculture Act 1986(a) and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Environmentally Sensitive Areas (Shetland Islands) Designation Amendment Order 2001 and shall come into force on 8th March 2001.

(2) In this Order “the principal Order” means the Environmentally Sensitive Areas (Shetland Islands) Designation Order 1993(b).

**Amendment of the principal Order**

2.—(1) In article 8(a) of the principal Order(c) for the words “15th August 1996, up to a maximum of £20,000 for each 5 year conservation plan” there shall be substituted the words “8th March 2001 up to a maximum rate for each 5 year conservation plan, of £52,500 for operations comprising stock reduction and £30,000 for other operations”.

(2) For article 8(b) of the principal Order there shall be substituted—

“(b) in the case of an agreement entered into before that date—

- (i) for the whole years or remaining whole years of a 5 year conservation plan included in such agreement, up to a maximum rate calculated by multiplying £10,500 for operations comprising stock reduction by the number of those whole years or remaining whole years; and
- (ii) up to a maximum rate of £30,000 for other operations for a 5 year conservation plan included in such agreement, which agreement had commenced but which had not ended before that date.”.

3. For article 9(a) and (b) of the principal Order(d) there shall be substituted—

“(a) in the case of an agreement entered into on or after 8th March 2001, up to a maximum rate for each 5 year conservation plan, of £52,500 for operations comprising stock reduction and £60,000 for other operations.

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(a) 1986 c.49; section 18(4) was amended by S.I. 1994/249. See section 17 for the definition of “the Minister”. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain Treasury consent was removed by section 55 of that Act.

(b) S.I. 1993/3150; amended by S.I. 1994/3067, 1996/1965 and 3082.

(c) Article 8 was amended by S.I. 1996/1965, article 5.

(d) Article 9 was amended by S.I. 1996/1965, article 6.

- (b) in the case of an agreement entered into before that date—
  - (i) for the whole years or remaining whole years of a 5 year conservation plan included in such agreement, up to a maximum rate calculated by multiplying £10,500 for operations comprising stock reduction by the number of those whole years or remaining whole years; and
  - (ii) up to a maximum rate of £60,000 for other operations for a 5 year conservation plan included in such agreement, which agreement had commenced but which had not ended before that date.”.

4.—(1) In paragraph 12 of Part I of the Schedule to the principal Order—

- (a) in sub-paragraph (b)(v) for the words “measures to restore dykes, stone crus and planticrubs” there shall be substituted the words “measures to restore or create dykes and measures to restore stone crus and planticrubs, in each case”.
- (b) after sub-paragraph (b)(viii)(d) there shall be inserted—
  - “(ix) where measures under paragraph (viii) above are included in an agreement and if the crofter or farmer so wishes, the provision by that person of an additional area for early and late cover for birds subject as follows;
    - (a) grazing is prohibited between 28 February and 30 September except with the prior written consent of the Scottish Ministers;
    - (b) grazing at times other than those specified in sub-paragraph (ix)(aa) will not exceed 0.3 Livestock Units per hectare except with the prior written consent of the Scottish Ministers;
    - (c) cutting is prohibited except with the prior written consent of the Scottish Ministers;
    - (d) hay and silage are cut in a method that causes minimal damage to young birds.”.

(2) In paragraph 12(b)(iii) of Part II of the Schedule to the principal Order for the words “measures to restore dykes and stone crus” there shall be substituted the words “measures to restore or create dykes and measures to restore stone crus”.

St Andrew’s House,  
Edinburgh  
6th February 2001

*ROSS FINNIE*  
A member of the Scottish Executive

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Environmentally Sensitive Areas (Shetland Islands) Designation Order 1993 (“the principal Order”) by introducing a ceiling for payments for stock reduction of £52,500 and increasing the ceiling for payments for other operations from £20,000 to £30,000. (article 2). It also introduces a ceiling of £52,500 for payments for stock reductions made to common grazings committees. (article 3). It allows the inclusion of measures to restore or create dykes with respect to agreements with farmers or crofters. It also allows measures to create or restore dykes and measures to restore stone crus with respect to agreements with common grazings committees (article 4).

The amendment also allows the creation of additional areas of early and late cover for birds. This option may be exercised only where the agreement also contains provisions under paragraph 12(b)(viii) of Part I of the Schedule to the principal Order. (article 4).

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